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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO.             |
|--|-------------|----------------------|---------------------|------------------------------|
| 09/773,248   | 02/01/2001  | Scott Keller         | Q62889              | 4339                         |
| 7590   | 10/02/2003  |                      |                     | EXAMINER<br>AZARIAN, SEYED H |
| SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC<br>2100 PENNSYLVANIA AVENUE, N.W.<br>WASHINGTON, DC 20037-3213 |             |                      | ART UNIT<br>2625    | PAPER NUMBER                 |
| DATE MAILED: 10/02/2003  |             |                      |                     |                              |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                 |               |  |
|------------------------------|-----------------|---------------|--|
| <b>Office Action Summary</b> | Application No. | Applicant(s)  |  |
|                              | 09/773,248      | KELLER ET AL. |  |
| Examiner                     | Art Unit        |               |  |
| Seyed Azarian                | 2625            |               |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 01 February 2001 .

2a) This action is FINAL.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-12 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-12 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 01 February 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_ .

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)                            4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)                    5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ .                    6) Other: \_\_\_\_\_ .

**DETAILED ACTION**

**Claim Rejections - 35 USC § 103**

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-12, are rejected under 35 U.S.C. 103(a) as being unpatentable over Inga et al (U.S. patent 5,384,643) in view of Bacus et al (U.S. patent 6,396,941).

Regarding claim 1, Inga et al discloses image transmission system with pattern data compression comprising;

an image transmitting system comprising an image server and a display terminal connected via a network (column 9, lines 11-22, visual display terminal and communications networks);

said image server is provided with a function capable of classifying image data according to the predetermined subscription conditions and creating at least one folder for managing said image data (column 13, lines 11-27, refer to classification of images);

said display terminal is provided with a function for specifying the subscription of a desired folder (column 4, lines 30-42, storage of patient information refer to folder).

when new image data satisfying the predetermined subscription conditions of aforementioned desired folder has been stored in the image server, acquiring notification thereof and/or said new image data (column 11, lines 20-37, receiving new image data).

However Inga et al is silent about "creating a folder". On the other hand Bacus et al teaches (column 32, lines 15-25, the folder names can be edited to put specific images into different folders for automatic folder generation).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made, to modify Inga et al invention according to the teaching of Bacus et al because it provides requests to the server indicating the portion which is desired to be view and supplies the appropriate information to avoid cost and improve speed.

Regarding claim 2, Inga et al discloses an image transmitting method of an image transmitting system comprising an image server and a display terminal connected via a network, wherein, image data is classified according to the predetermined subscription conditions and at least one folder for managing said image data is created in said image server (column 12, lines 26-42, transmitting data for visual display);

and the subscription of the desired folder is specified at said display terminal, and when new image data satisfying the predetermined subscription conditions of aforementioned desired folder has been stored in the image server, notification thereof and/or said new image data is acquired by said display terminal (column 11, lines 20-37, receiving new image data).

Regarding claim 3, Inga et al discloses a computer-accessible storage medium for recording a program that causes a computer to execute the image transmitting method of the image transmitting system comprising an image server and a display terminal connected via a

network, wherein, said program contains procedures for classifying image data according to the predetermined subscription conditions (column 10, line 58 through column 11, line2, refer to data storage and image data recording).

Regarding claim 4, Inga et al discloses a computer-accessible storage medium for recording a program that causes a computer to execute the image transmitting method of the image transmitting system comprising an image server and a display terminal connected via a network, wherein said program contains specification procedures for specifying a desired folder from among the folders, of which there are at least one, created in the image server for classifying according to the predetermined subscription conditions (column 11, lines 20-37m new images and specified file).

Regarding claim 5, Inga et al discloses an image server of the image transmitting system comprising an image server and a display terminal connected via a network, wherein; said image server is provided with a function for classifying image data according to the predetermined subscription conditions and creating at least one folder for managing said image data (column 13, lines 11-27, refer to classification of images).

Regarding claim 7, Inga et al discloses an image transmitting system comprising an image server and a display terminal connected via a network, wherein said image server is provided with a function capable of classifying image data according to the predetermined subscription conditions and creating at least one folder for managing said image data said display terminal is provided a function for specifying the subscription of the desired folder, and when new image data has been stored in said desired folder, notification thereof and/or said new image data is

acquired by said display terminal (column 17, lines 15-32, pattern specification and graphics display).

Regarding claim 9, Inga et al discloses a computer-accessible storage medium for recording a program that causes a computer to execute the image transmitting method of the image transmitting system comprising an image server and a display terminal connected via a network, wherein said program contains procedures for classifying image data and creating at least one folder for managing said image data (column 10, line 58 through column 11, line2, refer to data storage and image data recording).

Regarding claim 11, Inga et al discloses an image server of the image transmitting system comprising an image server and a display terminal connected via a network, wherein; said image server is provided with a function for classifying image data and creating at least one folder for managing said image data (column 9, lines 11-22, visual display terminal and communications networks and column 4, lines 30-42, storage of patient information refer to folder).

Regarding claims 6, 8, 10 and 12, it recites similar limitation as claims 1 and 4, are similarly analyzed.

*Other prior art cited*

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. patent (6,542,579) to Takasawa is cited for X-ray photo-taking system, X-ray photo-taken image display method and storage medium.

U.S. patent (6,513,035) to Tanaka et al is cited for database search apparatus and method.

U.S. patent (6,112,234) to Leiper is cited for method for transfer of radiographic images.

U.S. patent (6,381,029) to Tipirneni is cited for system and method for remote viewing of patient images.

U.S. patent (5,502,576) to Ramsay et al is cited for method and apparatus for the transmission, storage and retrieval of documents in an electronic domain.

**Contact Information**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seyed Azarian whose telephone number is (703) 306-5907. The examiner can normally be reached on Monday through Thursday from 6:00 a.m. to 7:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta, can be reached at (703) 308-5246.

**Any response to this action should be mailed to:**

Assistant Commissioner for Patents  
Washington, D.C. 20231

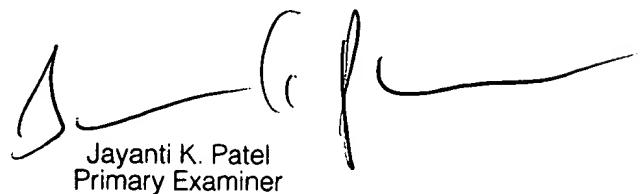
**Or faxed to:**

(703) 872-9306, ("draft" or "informal" communications should be clearly labeled to expedite delivery to examiner).

**Hand delivered responses** should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to T.C. customer service office whose telephone number is (703) 306-0377.

*Seyed Azarian*  
Patent Examiner  
Group Art Unit 2625  
September 21, 2003

  
Jayanti K. Patel  
Primary Examiner

